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PATENT
PATENT APP. SER. NO. 10/046,404
ECLIPSE GROUP DOCKET NO. H103027USU (P02017US)IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
THE BOARD OF PATENT APPEALS AND INTERFERENCES
APPEAL NO. 2009-003277

DOCKET NO.: H103027USU (P02017US)
APPLICANT(S): Bernard M. Werner
TITLE: CONSTANT COVERAGE WAVEGUIDE
SERIAL NO.: 10/046,404
FILING DATE: January 14, 2002
EXAMINER: Dabney, Phylesha L.
GROUP ART UNIT: 2614
CONFIRMATION NO.: 2074

CERTIFICATE OF TRANSMISSION I certify that on <u>10/20/09</u> the attached correspondence is being transmitted via facsimile to the Commissioner for Patents at (571) 273-8300.  Diane Gilden
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Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

RESPONSE TO DECISION ON APPEAL DATED AUGUST 20, 2009

Dear Commissioner:

This is responsive to the Decision of the Board of Patent Appeals and Interferences ("Board") dated August 20, 2009, in which the Board rejected the pending claims based on a new ground not on appeal pursuant to 37 C.F.R. § 41.50(b). Applicants have amended the claims and hereby request reconsideration by the Examiner pursuant to 37 C.F.R. § 41.50(b)(1). This response is due within two-months of the decision. This response is therefore timely filed.

Favorable consideration is respectfully requested in view of the following amendments and remarks.